

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA

IN THE MATTER OF THE
SEARCH OF
Acorn Storage Unit #78 located at
364 Old Corvallis Road in Corvallis,
Ravalli County, Montana.

Case No. MJ-22- 12 -M-KLD

**AFFIDAVIT IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT**

Attachment C

I, Thomas S. Hess, being first duly sworn, depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I am a duly commissioned Special Agent for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since September 2013. Previously, I was a Special Agent with the United States Secret Service for approximately five years. I was also a police officer with St. Louis Metropolitan Police Department for approximately three years. I have a Bachelor of Science degree and a Masters of Arts, and have received approximately 80 weeks of advanced law enforcement training at federal and state academies and seminars. I have conducted numerous investigations involving violations of the Gun Control Act, National Firearms Act, violations of the Controlled Substances Act, and various other firearms and controlled substances violations. I have been involved in all aspects of federal firearms and narcotics investigations, including debriefing defendants, witnesses, and informants, conducting surveillance and undercover operations, and executing search warrants.

2. This affidavit is based upon my personal participation in the investigation described below, my training and experience, my review of records, information received from interviews, and information obtained from other law enforcement officers and investigators. Because this Affidavit is for the limited purpose of establishing probable cause to support the issuance of a search warrant, it contains only a summary of the relevant facts. I have not included each and every fact known to me concerning this investigation.

PURPOSE OF AFFIDAVIT AND PREMISES TO BE SEARCHED

3. I, along with others, are currently conducting an investigation regarding the illegal possession of a firearm by a prohibited person and distribution of controlled substances in violation of 18 U.S.C. §§ 922(g)(1) by Kevin JAKUB. This Affidavit is made for the limited purpose of establishing probable cause to search JAKUB's storage unit, which is located at 364 Old Corvallis Road, Unit 78, Corvallis, MT 59840 ("Target Unit"), which is further described in Attachment A. Items to be seized are further identified in Attachment B.
4. Acorn Storage is further described as a multi-unit complex with multiple and various types of individual units for rent. The complex is located on in Corvallis, MT, Ravalli County. The structures have a metal exterior on sides and roof.

PROBABLE CAUSE

Since assigned to the Missoula, MT, Satellite Office, Denver Field Division, in August 2018, ATF Special Agent Thomas Hess has investigated a case involving illegal possession of firearms and distribution of controlled substances in Corvallis, MT. The investigation has revealed that Kevin JAKUB, DOB W/M, DOB: 9/3/1984, SSN: 516-06-5950, FBI: 457345XB9 is in possession of firearms and those items are located at the Target Unit.

5. On or about January 2022, United States Postal Inspector Walt Tubbs, Homeland Security Investigations Special Agent Holly Langley and

Ravalli County Sheriff's Office (RCSO) Detectives conducted an investigation involving JAKUB. During this investigation, both firearms and controlled substances were seized. JAKUB was arrested and incarcerated on charges resulting from the seizure of these controlled substances. JAKUB was currently housed in Ravalli County Jail and made numerous jail phone calls. JAKUB posted bail and was released on 1/28/2022.

6. On January 28, 2022, RCSO Detective Monaco reviewed jail phone calls and summarized as the following:
 - From Kevin to his mother Linda, a phone call occurred on 01/27/2022 at approximately 1811: In that call, Kevin admitted his knowledge of "I'm not supposed to have guns." Kevin stated he was going to hire a lawyer to get his gun rights back, but he didn't think it was possible in Colorado. Kevin stated, "I'd love to be a legal gun owner." Kevin stated his family would be victims if he didn't have guns. Kevin stated Linda knew he had guns and Linda replied she knew Kevin had one and told him to get rid of it. Linda admitted she lied to police about knowing. Kevin had guns.
 - From Ryan Whipple to Amanda Mays (406-550-1891), a phone call occurred on 01/27/2022 at approximately 1856: This phone call was placed under the guise of MATTHEW BOYD. From prior contacts, Detective Monaco identified the voice of the caller to be Ryan Whipple to Amanda Mays. Mays is believed to be Whipple's most-current girlfriend. In this call, Ryan directs Amanda (on Kevin's behalf) to call Kevin's mother to get keys and remove one (1) hard case and one (1) soft case [from a storage unit]. Ryan described another case as a "little wheel one" and another box of ammunition. Ryan stated the cases contain a pistol and lower receivers. Ryan stated, "we just need to get those outta there, before other people..." Amanda seemed to understand the innuendo and agreed to the task.
 - From Kevin to Linda, a phone call occurred on 01/27/2022 at approximately 2012: Kevin tells Linda if someone contacts her, to do whatever they ask of her. Linda replied, "ya, I guess...I'm not feeling...it doesn't feel right." Kevin stated,

"mom, this is important." Linda told Kevin she thought the police have his car keys and Kevin escalated and became upset that he understood Linda had previously told Kevin she found his keys. Kevin described his keys as having a red bottle opener. Linda could not find his keys. Kevin stated if the cops have his keys, he doesn't have the keys that he needs. Kevin tried to describe a backup key and to ask his dad about the backup key. Linda asked Lawrence in the background and Lawrence stated he did not have any backup key. Kevin stated he would have to call her back. Kevin apologized and stated, "this is pretty fucking important."

- A video conference of Ryan and Amanda at RCDC at 1931: Amanda told Ryan she tried to "call that lady." Ryan told Amanda about some "songs" he liked and began to speak cryptically or in code when he asked Amanda if she had her "music phone" out and said, "L-A-U-Y is the...band name, the song's called, I like me better, and then Pitbull, I feel good, and then C-H-R-I-S-S-Y Love on Me, It reminded me of you, and then Aloe black I'm the man, and then 10 years wasteland, and then Bring me the horizon, it's called Die For you." Later, Amanda asked Ryan what he wanted her to do, "text this lady or what?" Amanda decided to wait until she [Linda] called back...Amanda said she was going home to bed and Ryan asked her if she had bolt cutters. Ryan told her to remember the sleeping bag too, "grab the whole sleeping bag." Ryan told Amanda about the "hitch receivers,...just grab the whole box." Ryan described the [storage unit] as having two locks on it. Ryan suggested Amanda "make it a late night."
- A video conference of Ryan and Amanda at RCDC at 2019: Amanda told Ryan that she spoke to Linda and Amanda told Linda she needed the keys to a storage unit. Amanda introduced herself to Linda, and Linda asked her to call back after she "verify some things." Ryan later directed Amanda to call her [Linda].
- From Ryan to Amanda, a phone call occurred on 01/27/2022 at approximately 2038: This phone call was placed under the guise of DAVID FITZWILLIAMS. Ryan told Amanda that she

was gonna need bolt cutters because [Kevin's mom] doesn't have the keys. Ryan described the storage unit by the "little apartment, midway down, it's just past that." Ryan stated, "it's literally just right across the street from...fuckin'...cutoff right there." Amanda stated she would have to go to her house to get her cutters. Amanda stated she would figure it out. Ryan stated to get all the ammo, the receivers...and Amanda interrupted and stated she didn't want anyone to go with her so no one knew what she was doing. Ryan and Amanda agree to call Ryan's sister for help "popping" the lock.

- From Kevin to Linda, a phone call occurred on 01/27/2022 at approximately 2047: Kevin apologized for getting excited earlier. Kevin told Linda not to worry about anything and no one should be calling her. Kevin stated he expects [police] to try and get to this storage unit, "that doesn't exist."
- From Kevin to Linda, a phone call occurred on 01/27/2022 at approximately 2154: Kevin stated he was more worried about the guns.

7. I know from previous cases and experience that individuals will often utilize storage units to conduct illegal activities. They will commonly store items there to avoid keeping them at their residence. They will also meet at these locations to conduct illicit transactions.
8. I know from my training and experiences as an ATF Special Agent, the experience of fellow ATF agents and Task Force Officers, and from my participation in the execution of search warrants authorizing the seizure of firearms, that those who own and possess firearms and ammunition generally maintain them on their person, in their residences and garages, and in their motor vehicles, and in places where they store their personal property. The reason owners of firearms generally maintain and preserve them over a long period of time include the fact that firearms are somewhat expensive, there are, at times, administrative delays in buying them, and firearms do not easily deteriorate. In my experience, firearms are not depleted through use, nor are they usually exchanged soon after being obtained. Firearms are like expensive tools, which their owners keep and maintain over long periods of time. The reasons

owners of firearms generally maintain firearms and ammunition in and about their home or vehicles include the fact that maintenance of them in and about the home or vehicles permits easy access to the firearms, and firearms and ammunition must be maintained in an environment where they will be secure from theft, as well as safe from corrosion.

9. I know through my experience and training that in the immediate area where individuals store their firearms and ammunition, there will be evidence of the individual's exercise of dominion and control over the firearm or ammunition.
10. Based on the foregoing, I have probable cause to believe that on the premises known as the unit, located at 364 Old Corvallis Road, Corvallis, Unit 78, Ravalli County, Montana, are firearms, ammunition, JAKUB's occupancy at this Target Unit, which is located in Corvallis MT, all in violation of 18 U.S.C. §§ 922(g)(1).

/s/ Thomas S Hess
Thomas S. Hess
Special Agent, ATF

Subscribed to and Sworn before me this 28th day of January, 2022.

Kathleen L. DeSoto
Kathleen L. DeSoto
United States Magistrate Judge